S.B. Cr. Misc. Bail Application No. 5020/2007
(Sabir Vs. State of Rajasthan)

Date of order : 09.10.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Shambhoo Singh for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned.

The petitioner seeks anticipatory bail for the offences punishable under Sections 341, 323, 143 and 379 IPC and Section 3 (1) (x) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter)

Section 18 of the Act takes away the power under Section 438 Cr.P.C. and therefore, the bail application seeking anticipatory bail under Section 438 Cr.P.C. is not maintainable. The bail application filed by the petitioner under Section 438 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

rp